

REMARKS

Withdrawal of Appeal And Entry of This Amendment

In response to the Final Rejection of August 19, 2008, Applicants filed a Notice of Appeal and Request for Pre-Appeal Brief Review on December 16, 2008. On February 24, 2009, a Notice of Panel Decision from Pre-Appeal Brief Review was issued with a decision on the pre-appeal brief review stating that the application remains under appeal because there is at least one actual issue for appeal.

Accordingly, Applicants are withdrawing their appeal and filing this amendment with a RCE. Therefore, this amendment should be entered and considered at this time.

Applicants are also filing an IDS herewith. As a RCE is being filed herewith, this IDS should be entered and considered at this time.

Amendment To Claims

Applicants are amending Claims 12, 13, 16-19. Applicants are also canceling Claims 24-29 without prejudice or disclaimer.

New Claim

Applicants are adding new Claim 30. This claim is supported by, for example, Fig. 14 and the accompanying text in the specification of the present application.

It is respectfully submitted that all of the claim elements of new Claim 30 are not disclosed or suggested by the prior art. Therefore, it is respectfully requested that Claim 30 be entered and allowed.

If any fee should be due for this new claim, please charge our deposit account 50/1039.

Rejections In Final Rejection

In the Final Rejection, the Examiner has the following rejections under 35 U.S.C. §103:

1. Claims 1-3, 6-7 and 22-28 are rejected as being unpatentable over Kimura et al. (U.S. 2002/0075422) in view of Kawase (GB 2,360,489) and McCormick (U.S. 6,593,690).
2. Claims 1-3, 6-7 and 22-28 are rejected as being unpatentable over Miyazawa (U.S. 2003/0166311) in view of Kimura.
3. Claims 10-11 and 22-28 are rejected as being unpatentable over Kimura in view of Kawase and McCormick and further in view of Miyashita et al. (U.S. 2002/0155215).
4. Claims 10-11 and 22-28 are rejected as being unpatentable over Miyazawa in view of Kimura and further in view of Miyahashi.
5. Claims 16-17 and 22-28 are rejected as being unpatentable over Kimura in view of Kawase and McCormick and further in view of Yamazaki (U.S. 2002/0164416).
6. Claims 16-17 and 22-28 are rejected as being unpatentable over Miyazawa in view of Kimura and further in view of Yamazaki.
7. Claims 14-15 are rejected as being unpatentable over Kimura in view of Kawase, McCormick and Miyashita and further in view of Konuma et al. (US 2002/0030443).
8. Claims 14-15 are rejected as being unpatentable over Miyazawa in view of Kimura and Miyashita and further in view of Konuma.
9. Claims 20-21 are rejected as being unpatentable over Kimura in view of Kawase, McCormick and Yamazaki and further in view of Konuma.
10. Claims 20-21 are rejected as being unpatentable over Miyazawa in view of Kimura and Yamazaki and further in view of Konuma.

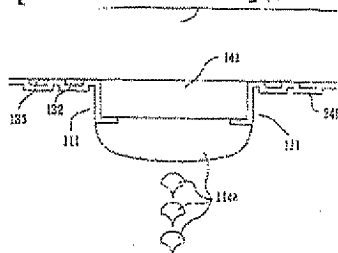
Each of these rejections is respectfully traversed.

Rejection Nos. 1, 3, 5, 7 and 9

More specifically, in each of these rejections above, the claims are rejected over Kimura in view of Kawase and McCormick (and additional tertiary references in some of the rejections). In the rejections, the Examiner contends that Kimura teaches a method of making an EL display device, and

and that in the embodiment of Fig. 8, an EL solution 114A is ejected towards the pixel electrode 141, wherein the pixel electrode is turned to face downward [0170]. The Examiner admits that Kimura “does not explicitly teach ejecting under a pressure lower than atmosphere pressure.” The Examiner then cites Kawase and contends that Kawase teaches that a flow of gas across the substrate and heating of the substrate during deposition can increase the drying speed in order to form a uniform EL layer, but does not explicitly teach the use of a vacuum.”

[FIG. 8 of Kimura]



[FIG. 8b and 9a-9b of Kawase]

Fig.8b.



Fig.9a.

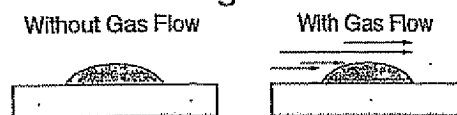


Fig.9b.



The Examiner then cites McCormick and contends that McCormick teaches “applying a vacuum is an operable equivalent of applying heat in the method of increasing drying speed (col. 6, lines 47-51). The teachings of McCormick would have presented a recognition of equivalency in the prior art and would have presented strong evidence of obviousness in substituting one method for the other in a process of evaporating a solvent. The substitution of equivalents requires no express suggestion.”

Applicants respectfully disagree with this argument and respectfully submit that even if each of these references were combined (which Applicants do not admit is proper), the combination still does not disclose or suggest the claimed invention. Hence, the claims are patentable over the cited references.

In particular, McCormick at col. 6, lines 47-51 states “[a]fter the buffer layer has been applied, it should be dried to remove the coating solvent (e.g., water). The buffer layer may be dried by exposure to ambient conditions. Faster drying times may be achieved by, e.g. applying heat, applying

applying inert gas, or applying a vacuum” (emphasis added). Hence, the drying occurs after the buffer layer has been applied. Therefore, even if the buffer layer is regarded as an EL layer (which Applicants do not admit), the EL solution is dried by heating or applying a vacuum after the EL solution has been applied.

In contrast, the claimed invention recites ejecting a solution under a pressure, at for example, lower than atmosphere pressure. As explained, for example, in Embodiment Mode 1 in the specification of the present application, with this claimed feature, the method of the present invention can achieve that the ejected solution travels while volatizing the solvent under the reduced pressure. This claimed feature and effect are not disclosed or suggested in Kimura, Kawase, and/or McCormick.

Therefore, the cited references do not disclose or suggest all of the claimed elements in the rejected claims, and the claims are patentable over these references.

Accordingly, it is respectfully requested that the §103 Rejection Nos. 1, 3, 5, 7 and 9 be withdrawn.

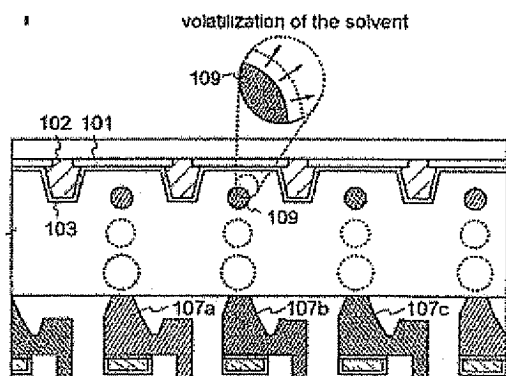
§103 Rejection Nos 2, 4, 6, 8 and 10

In the §103 Rejection Nos. 2, 4, 6, 8 and 10 above, the Examiner rejects the claims over Miyazawa in view of Kimura (and additional tertiary references in some of the rejections). These rejections are also respectfully traversed.

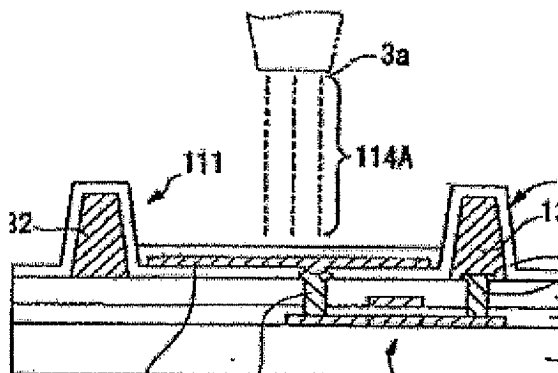
As explained above, the claims recite the feature of ejecting a solution under a pressure, at for example, lower than atmosphere pressure. This feature and the effect of it are not disclosed or suggested in the cited references. This difference is clearly shown in comparing Fig. 1A of the present application wherein, as explained above, the claimed feature of ejecting a solution under a pressure, at

pressure, at for example, lower than atmosphere pressure can achieve that the ejected solution travels while volatilizing the solvent under the reduced pressure which is not disclosed in Fig. 5A of Miyazawa.

[FIG. 1A of the present invention]



[FIG. 5A of Miyazawa]



Therefore, the cited references do not disclose or suggest all of the claimed elements in the rejected claims, and the claims are patentable over these references.

Accordingly, it is respectfully requested that the §103 Rejection Nos. 2, 4, 6, 8 and 10 be withdrawn.

Conclusion

It is respectfully submitted that the present application is in a condition for allowance and should be allowed.

If any further fee should be due for this amendment, the RCE, the IDS, and/or the extension of time, please charge our deposit account 50/1039.

Favorable reconsideration is earnestly solicited.

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Respectfully submitted,

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